

REMARKS

Claims 1-4 are pending in this application. All of the pending claims were rejected.

Claims 1-3 are currently amended. Reconsideration is respectfully requested.

The presently claimed invention distinguishes Almgren and Dent because an access point sets its own transmit power in response to detection of a nearby access point using the same channel. The Office indicated that those distinguishing limitations were not present in the claims. Claim 1 has been amended to read as follows:

logic for detecting that a second access point is also using the radio frequency channel; and  
logic, responsive to the detecting logic, for adjusting transmit power to decrease interference with the second access point detected to be using the radio frequency channel,  
wherein the detecting logic and the reducing transmit power logic are executed by the first access point.

It is clear from the claim language as amended that the access point sets its own power level because the logic is “executed by the first access point.” Further, it is clear that the power is set in response to detection of a nearby access point using the same channel because the power adjustment logic is “responsive to the detecting logic,” which itself detects that a second access point is also using the radio frequency channel.

The reasons why the above features distinguish the cited combination are restated below for completeness. According to Almgren, **the base station orders the mobile device** to use a particular transmit power. In particular, “after receiving a signal from a mobile, the base station measures various parameters associated with the received signal to determine a transmission power order to be sent to the mobile station.”<sup>1</sup> According to Dent, **measurements of mobile**

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<sup>1</sup> Col. 4, lines 32-36.

**signal strength** received at the base station **are used to determine base station transmit power**.<sup>2</sup> In contrast, an access point in accordance with the presently claimed invention sets its own power level based on nearby access points operating on the same channel. Claims 2-4 are dependent claims which further distinguish the invention, and which are allowable for the same reason as claim 1. Withdrawal of the rejections of claims 1-4 based on Almgren, both alone and in combination with Dent, is therefore requested.

The Office asserts that Almgren teaches that a base stations detects simultaneous use of a channel by another base station as evidenced by call connection interference at Col. 4, lines 21-39. Applicant finds no such teaching in that passage. In particular, there is no indication that the call connection interference is necessarily produced by another base station rather than another mobile unit. Further, in direct contradiction with the Office's assertion, Almgren explicitly teaches that the goal is to "ensure that only the transmission power necessary to maintain satisfactory call quality is used" to reduce the likelihood of interference.<sup>3</sup> In other words, Almgren teaches that transmission power for a base station is set **based on the mobile unit**, not a nearby base station.

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<sup>2</sup> Abstract

<sup>3</sup> Col. 1, lines 19-22.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible. This application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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